THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2251 of 1995

ORDER:

This writ petition is filed challenging the award passed by the first respondent in I.D.No.25 of 1993 dated 30.8.1994.

It appears, the second respondent herein raised a dispute as to the confirmation of the workman in the post of Charge hand Gr.'C' from 1.7.1987 in view of the settlement dated 17.4.1991.

The writ petitioner-management filed counter in the said I.D. denying the averments made by the second respondent asserting that the post of charge hand is a promotional post for senior Tradesmen in a trade and they are called charge hand (Electrical), Charge hand (mechanical) etc. A mechanical charge hand besides qualifications, experience etc., must also possess knowledge of other relative trades like welding, turner's job etc. This apart from the qualifications prescribed in Settlement dated 3.3.1989, the workman has only an ITI Draughtsman certificate who works in drawing section and he is not qualified or trained in any of the trades in which the posts of charge hand is being operated. Except this, all other averments made by the second respondent were not denied. It is not denied that the case of the workman was recommended by the Deputy Chief Engineer, main workshop, Kothagudem for being designated as charge hand in July 1987. It is also not denied that there was a settlement between second respondent Union and the management on 17.4.1991.

Under those circumstances, the Tribunal below after examining Item 3, para 2 of the settlement to the effect that "other acting personnel who are continuously acting for more than one year in various time rated jobs will be confirmed in the existing vacancies", held that in the case on hand also the workman has been continuously officiating as

charge hand Gr.C from 1.7.1987, which fact was not in dispute. Therefore, in view of the settlement dated 17.4.1991, the workman is entitled for being designated as Charge hand Gr.C as a matter of legal right.

I am of the opinion that the Tribunal below has not committed any error calling for interference by this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU,
J

Date: 5.9.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

5.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2251 of 1995

Dated: 5th September, 2006

Between:

The General Manager (Personnel),
Singareni Collieries Company Ltd.,
Kothagudem, Khammam district.

.. Petitioner

and

The Presiding Officer,
Industrial Tribunal-I,
Chandra Vihar, M.J. Road,
Hyderabad & another.

.. Respondents